

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CLEMENT WOGHIREN,)
Plaintiff,)
v.) CIVIL ACTION NO. 04-12148 WGY
WYETH and WYETH BIOPHARMA,)
Defendants.)

)

**MEMORANDUM IN SUPPORT OF
DEFENDANTS' MOTION FOR COSTS**

Wyeth and Wyeth Biopharma (hereinafter, "Defendants") submit the following Bill of Costs and documentation in support of their Motion for Costs.

As the prevailing parties in this action, Defendants are entitled to recover taxable costs pursuant to Rule 54(d), including costs associated with witnesses at trials, hearings and depositions, as provided by 28 USC § 1821.

A prevailing party is entitled to recover certain costs as a matter of right. 28 U.S.C. § 1920; 28 U.S.C. § 1821(b) (governing witness fees for attendance). As set forth in the Bill of Costs, filed herewith, these costs total \$13,664.97. The Court should award such costs to Defendants as a matter of law.

WHEREFORE, for the foregoing reasons, Defendant's Motion for Costs should be granted.

WYETH And WYETH BIOPHARMA,
By Their Attorneys,

/s/ Kristin E. Spriano

Michael A. Fitzhugh, Esq. BBO#169700
Kristin E. Spriano, Esq. *Pro Hac Vice*
FITZHUGH, PARKER & ALVARO, LLP
155 Federal Street, Suite 1700
Boston, MA 02110-1727
(617) 695-2330

Dated: January 25, 2006

CERTIFICATE OF SERVICE

I, Kristin E. Spriano, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on January 25, 2006.

/s/Kristin E. Spriano
Kristin E. Spriano